W.P. No. 1225 of 2004 (S/S)

Hon'ble P.C. Pant, J.

Heard Mr. Dinesh Gahatori, learned Counsel for the petitioner, learned Standing Counsel appearing on behalf of respondents No. 1 and 4 and Mr. Sandeep Tandon appearing on behalf of respondents No. 2 and 3.

By means of this writ petition the petitioner has sought quashing of the notice, whereby the petitioner has been noticed to retire at the age of 58 years. The Government Order dated 15th June 2002 annexed as Annexure-1 to the writ petition, does not apply to the petitioner as he is an employee of the Nagar Palika Parishad and said Government Order applies only to the Government servants whereby the age of superannuation has been enhanced from 58 years to 60 years.

It is true that under Rule 3 of Retention and Retirement of Servants of Municipal Boards Regulations, 1965, the age of the Municipal Board employees was 60 years but from the perusal of the annexure-2 read with paragraph no. 7 of writ petition, it is clear that in the year 1989 the petitioner filled his option for retirement at the age of 58 years for taking the benefit of G.O. dated 18.9.1989. It appears that for 15 years he took the benefit of said option and now on the eve of his retirement he has challenged the impugned notice on being given him information regarding his retirement on 31st October, 2004.

Prima facie, the petition is devoid of merits and liable to be dismissed. The same is dismissed in limine.

Dt. 29.10.2004 Sd/-
SJ